

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA ex rel.)	)	
SHAWN PETRENKO #R-13864,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 11 C 1356
	)	
MARCUS HARDY, Warden,	)	
	)	
Respondent.	)	

MEMORANDUM ORDER

This Court's brief May 12, 2011 memorandum order ("Order") confirmed that it had reviewed and found timely, under the standards prescribed by 28 U.S.C. §2244(d),<sup>1</sup> the Section 2254 Petition filed pro se by Illinois prison inmate Shawn Petrenko ("Petrenko"). It therefore ordered Petrenko to submit a reply to the Answer (see Rule 5(e) of the Rules Governing Section 2254 Cases in the United States District Courts).

Next Petrenko asked and was granted an extension to July 28, 2011 (fully 2-1/2 months after the Answer had been filed) to submit the required reply. Now Petrenko has submitted a self-prepared Motion for Second Extension of Time To File Petitioner's Reply--and this Court hastens to respond to that motion even though Petrenko has not indicated whether he has served a copy on the Attorney General's Office, as required by both the Federal Rules of Civil Procedure and this District Court's LR's.

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<sup>1</sup> All further references to Title 28's provisions will simply take the form "Section--."

Petrenko's stated reason for asking a further extension to September 11, 2011 is his limited access to the law library at Stateville Correctional Center. That however is not a persuasive ground for an added extension of time in this instance, for the legal principles of procedural default (the ground for dismissal asserted in the Answer) are well established and are accurately set out in the Answer. Instead the issue is a factual one: whether Petrenko took or failed to take the steps in the state court system to which the Answer calls attention and whether or not the state courts acted in the manner described in the Answer's assertion of such procedural default.

Accordingly Petrenko's request for a second extension is denied as presented. But to avoid any assertion on his part that this memorandum order is issued too close to the current July 28 due date (even though any fault on that score could be placed at Petrenko's doorstep because of his own delay in tendering his current motion), this Court extends the due date for the reply to four weeks from today: August 15, 2011.



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Milton I. Shadur  
Senior United States District Judge

Date: July 19, 2011